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London Feby 18th 1788

Dear Sir

I two days ago, on my return from Bath, had the pleasure to receive your letter of the second Instant. I shall not leave London as soon as I proposed, but will continue here until the Trial of Mr Hastings shall be over. As to the first Question which you desire I will consider and decide for myself, namely if the Offence of Hastings is to be decided by the Law of the land, I answer in the affirmative. An impeachment before the Lords, by the Commons of Great Britain, is a prosecution of the known established Common Law, I think, with the Constitution itself; being a prosecutment to the most high Court of criminal jurisdiction by the most solemn grand Inquest of the whole Kingdom. You next ask, why he is not tried in the Court of Kings bench? There are peculiar Circumstances which attach to Mr Hastings case, in my Opinion, to prevent that subordinate mode of proceeding. How could he have a jury from any Vicinity in Asia, to try this cause in the Court of Kings Bench? he would, you answer from another Hemisphere, which he habitants to; the Bosom Associates of his Corruption, to Convict this Captain General of delinquincys of those very Crimes upon which their fortunes have been founded, upon which they live fed, fatten'd and flourished in the East. As to the trying him by a jury from Middlesex for high Crimes committed on the Banks of the Ganges [illegible] the remembrance

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incompetency of such a tribunal to comprehend many of the Questions to be tried - I do not think any fiction, usage or analogy of english law would sustain the formalities of such proceedings. The Accusations against Mr Hastings, are for enormities of the deepest die - peculation. corruption, breach of trusts, plunder, torture, murder, devastation tyranny and violations of the Laws of the land of nature and of Nations. He is possess'd of enormous wealth - great Influence & profound ruling Power - these would probably deter the injured from a subordinate legal prosecution & therefore good Reasons why he is not tried in the ordinary Mode before the Courts of Kings bench - The third Question is answered in the negative to the first - He is not "disfranchised of his most precious right" but judged according to the ancient & known Laws of the land by which he is amenable for Offences against public justice & liable to be impeached & tried before the Peers. As to this Court being "illiterate & unprincipled" doubtless there are many among the Individuals, who compose it, who are both "illiterate & unprincipled" But then it must be confess'd that there are many personages also, of great judicial learning, constitutional experience & unblemished Integrity who have seats in this Court. Even all the Bishops have never been quite without probity and talents. The lord Chancellor and the chief Justices give their Opinions as they would in their respective Courts on any similar Subject & also the twelve Judges - sit in the woolsack con=stantially - and furnish their sage Opinions on every doubtful point during the whole trial.

Upon the whole the range of impeachment appears to

me to be the only efficient, legal Check, which the People at large, through the Organ of their Delegates have upon the Actions of the executive in its administration of great Public Affairs.

With respect to the fate of Hastings. People in general think that the Kings great friendship for him secures him — but I myself think his being acquitted very doubtful — in the event of any Accident happening during the Trial, to the Kings life it certainly will go hard with him. But should he be even acquitted — may make a Peer of & loaded with honors. yet when the World come to be possess'd of the Speeches of Burke and Sheridan & see the proofs with which they do abound of his Cruelty & villainy they certainly will condemn him — and will be as much astonished at his Acquittal as they will be shock'd at his Infamy. I feel exceedingly for the distresses of France — if her Embarrassments are half as great as they in this Country, are reported and believed to be. her State must be lamentable indeed. The Report to here of the French Kings folly, of the madness of his Ministers and the obstinacy of his Parliaments have have flattered and pamper'd John Bull beyond expression — they have added to his natural insolence — he carries his Crest higher now than ever. and is bellowing for War. I believe the trial of Mr H. will not be over in less than six weeks — it is not necessary for me to Repeat what I mentioned

in

Rutledge John pres.

my last that should your Excellency have any Commands I shall be happy in being charged with them. Be pleased my Dear Sir to make my Compliments to Mrs Short & believe me to be with the most invio attachment

Your sincere & most humble Servant

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